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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 194 OF 2017

Dinesh Chandrakant Sutar

...Petitioner

Vs.

The State of Maharashtra & Ors.

...Respondents

Ms. Rohini Dandekar, Advocate appointed for the Petitioner

Mr. H.J. Dedia, A. P. P for the State

CORAM : SMT. V.K. TAHILRAMANI AND

M.S. KARNIK, JJ.

DATED : 1ST FEBRUARY, 2017

P.C. :

Heard both sides.

2. The Petitioner preferred an application for furlough on 6th May, 2015. The said application was granted by an order dated 16th October, 2015. Pursuant thereto the Petitioner was released on furlough on 26th November, 2015 for a period of 14 days. Thereafter the Petitioner preferred an application for extension of furlough for further period of 14 days. The said application was rejected. Hence this Petition.

3. Admittedly the application for extension of furlough was made within time. The order of rejection shows that the Petitioner had reported to the concerned Police Station without fail as per the conditions imposed on him while granting furlough. During the period when the Petitioner was on furlough, he did not come to the adverse notice of the police and he has not taken part in any illegal activities. The police report shows that the reason given by the Petitioner for seeking extension of furlough that his father is ill was found to be true and the police had no objection to the furlough period being extended.

4. However, the application was rejected only on the ground the Petitioner had not annexed any papers relating to the fact that the operation of his father was scheduled and that the illness was not found to be serious enough to extend the period of furlough. As far as this aspect is concerned the order of rejection shows that the reason given by the Petitioner for seeking extension of furlough was found to be true. It may be stated that the conduct of the Petitioner in prison is found to be good. Looking to all these facts

on humanitarian ground we are inclined to extend period of furlough by a further period of 14 days.

5. Any prison punishment imposed on account of the overstay is set aside. Security deposit, if forfeited, be returned back to the Petitioner.

6. Office to communicate this order to the Petitioner who is in Kolhapur Central Prison, Kalamba, Kolhapur.

7. Rule is made absolute in above terms.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI, J.)